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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.3247/2002

Monday, this 12th day of January, 2004

Hon'ble Shri Kuldip Singh, Member(J)
Hon'ble Shri S.A.Singh, Member (A)

Shri Prabhu Lal,
S/o Shri Puran Lal,
R/o 5/171, Lalita Park,
Laxmi Nagar,
Delhi.

... Applicant.

(By advocate: None)

VERSUS

1. Union of India through
Secretary, Ministry of Finance,
(Department of Revenue)
New Delhi.
2. The Chairman,
Central Board of Direct Taxes,
North Block, New Delhi.
3. Chief Commissioner (Admn),
Income Tax Office,
I.P.Estate, New Delhi.

(By Advocate: Sh.V.P.Uppal)

.. Respondents.

O R D E R (ORAL)

By Shri Kuldip Singh, Member(J)

None appeared for the applicant despite repeated call.

We proceed to decide this matter under Rule 15 of the CAT (Procedure) Rules, 1987.

2. Facts in brief are that the applicant, Prabhu Lal assails the order dated 27.7.2001 whereby his representation has been rejected. The applicant belongs to Scheduled Caste community and claims to have the legal right of consideration for promotion against the reserved

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quota for Scheduled Castes and Scheduled Tribes vacancies in accordance with the policy of the Govt. of India issued from time to time by way of directions and instructions.

3. The applicant submits that he was initially recruited as LDC in the year 1970. Thereafter he was promoted as UDC in September, 1975 and was eligible for promotion to the post of Income Tax Officer. The applicant also qualified the departmental examination for the said post and thus became eligible for consideration for promotion as Income Tax Officer (though he has not given order of the passing of the said examination).

4. The applicant further claims that in the year 1988, the respondents have promoted 54 persons in the cadre of Income Tax Inspectors and out of the total 54 posts, there were 7 persons belonging to SC and ST candidates. Thus, the respondents have illegally, unconstitutionally ignored the claim of the SC and ST candidates without any reason. Not only this the respondents have also placed the SC/ST category candidates at the bottom of the seniority list. Similarly in the year 1989, respondents had again drawn up a panel of 40 persons to be promoted as Income Tax Inspectors which was also against the norms/policy of the Government of India for promotion of the reserved categories candidates. Thus, the applicant's claim that he being from the reserved category was also entitled to be considered for promotion to the post of Income Tax Inspector but has been illegally ignored for the said promotion.

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5. Opposing this OA, respondents pointed out that the applicant has impugned only an order dated 27.7.2001, which was passed while deciding his representation as per directions given by this Tribunal in OA 1514/95 decided on 27.3.2000. This reply contains the details of promotions made to the cadre of Income Tax Inspectors against the 54 vacancies in the year 1988-89. At this stage, learned counsel for the respondents pointed out that there were 80 vacancies in the cadre of Inspectors. 1/3 of these posts is meant for by direct recruitment and 2/3 posts is meant for by promotion. Accordingly 54 candidates were empanelled.

6. It is further pointed out that the quota of 54 vacancies was divided between Stenographers and Ministerial candidates. Out of 54 vacancies, 14 posts went to the Stenographers and 40 posts left for ministerial candidates. It is also further pointed out that the 40 posts were further divided amongst the general and reserve category candidates as per recruitment rules. The applicant, admittedly, being a UDC belongs to the ministerial group of candidates and is eligible for promotion on the basis of the year of examination or on the basis of his seniority. The applicant had been considered in the year 1988-89 under the ministerial cadre seniority quota, three posts were reserved for SC category candidates and the applicant's name figured at this serial no.6 in the reserved category list and hence the question of considering his name did not arise.

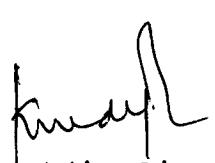
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7. Respondents further contends that under the year of passing quota in ministerial cadre for SC candidates, for the 3 reserved posts 4 candidates who qualified the examination in 1981 were empanelled. According to them applicant qualified the examination in the year 1984 and as such his case could not be considered, meaning thereby, some senior reserve category candidates were available, who had passed the examination earlier than the applicant. Thus, there was no vacancy which could be given to the applicant out of quota meant for ministerial candidates.

8. Learned counsel for respondents also pointed out that vide Annexure R-2, the applicant was also given a reply to legal notice and was asked to bring to the notice of the respondents any infirmities while deciding representation vide order dated 27.7.2001, to which there was no response from the applicant. Even rejoinder also did not point out any infirmities with regard to the order dated 27.7.2001.

9. Though the applicant contended that he should be considered in the next year quota as 40 other candidates were empanelled. However, no details have been given nor any representation to that effect seems to have been made by the applicant. In the circumstances, we find O.A. is bereft of any merit and the same is dismissed. No costs.


(S.A. Singh)
Member(A)


(Kuldip Singh)
Member(J)